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2 UNITED STATES DISTRICT COURT
3 WESTERN DISTRICT OF WASHINGTON
4 AT TACOMA

5 DEXTER CLARKE,

6 Plaintiff,

7 v.

8 MICHAEL J. ASTRUE, Commissioner of
Social Security

9 Defendant.

CASE NO. C11-5951 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

10 This matter comes before the Court on the Report and Recommendation (“R&R”)
11 of the Honorable Karen L. Strombom, United States Magistrate Judge (Dkt. 17) and
12 Plaintiff Dexter Clarke’s (“Clarke”) objections to the R&R (Dkt. 20).

13 On August 10, 2012, Judge Strombom issued the R&R recommending that the
14 Court affirm the Administrative Law Judge’s (“ALJ”) denial of benefits to Clarke (Dkt.
15 9–2 at 9–28). Dkt. 17. On August 25, 2012, Clarke filed objections. Dkt. 18. On
16 September 6, 2012, the Government responded and referred the Court to its original
17 arguments. Dkt. 20.

18 The district judge must determine de novo any part of the magistrate judge's
19 disposition that has been properly objected to. The district judge may accept, reject, or
20 modify the recommended disposition; receive further evidence; or return the matter to the
21 magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

1 First, Clarke requests that the Court conclude that the ALJ erred in determining
2 Clarke's residual functioning capacity. Dkt. 18 at 2–7. The Court has reviewed the
3 record and finds that the ALJ's determination was reasonable and based on a detailed
4 evaluation of the objective medical evidence in the record. Therefore, the Court adopts
5 the R&R on this issue.

6 Second, Clarke argues that the ALJ did not adequately consider the evidence from
7 Peter Simon, M.A. Dkt. 18 at 7–11. The Court has reviewed the opinion of Mr. Simon
8 (Dkt. 9–8 at 80–82) record and finds that Mr. Simon's opinion regarding Clarke's
9 limitations is not supported by the objective medical evidence in the record. Therefore,
10 the ALJ did not err in according no weight to Mr. Simon's opinion and the Court adopts
11 the R&R on this issue.

12 The Court having considered the R&R, Clarke's objections, and the remaining
13 record, does hereby find and order as follows:

- 14 (1) The R&R is **ADOPTED**;
15 (2) The ALJ's decision is **AFFIRMED**; and
16 (3) This action is **DISMISSED**.

17 Dated this 25th day of September, 2012.

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BENJAMIN H. SETTLE
United States District Judge